

Exemption No. 9770

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC 20591

DEPARTMENT OF
TRANSPORTATION
2021 JUN 17 A 11:02
DOCKET OPERATIONS

In the matter of the petition of

AMERIFLIGHT

Regulatory Docket No. FAA-2007-0383

for an exemption from § 61.51(f)(2)
of Title 14, Code of
Federal Regulations

GRANT OF EXEMPTION

By letter dated December 18, 2007, Mr. John W. Hazlet, Jr., Ameriflight, LLC (Ameriflight), 4700 Empire Avenue, Hangar #1, Burbank, California 91505, petitioned the Federal Aviation Administration (FAA) on behalf of Ameriflight for an exemption from § 61.51(f)(2) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would allow Ameriflight to assign a second in command (SIC) during a flight that otherwise does not require an SIC and to also allow the SIC to log that flight time.

The petitioner requests relief from the following regulation:

Section 61.51(f)(2) prescribes, in pertinent part, that:

- (f) Logging second-in-command flight time. A person may log second-in-command time only for that flight time during which that person:
 - (2) Holds the appropriate category, class, and instrument rating (if an instrument rating is required for the flight) for the aircraft being flown, and more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is being conducted.

The petitioner supports its request with the following information:

The petitioner requests that, “when an operator elects to assign a properly trained and checked SIC to a flight so that special SIC operations could be conducted if the need arose, flight time accumulated during such an assignment may be ‘legally’ logged by the SIC as SIC time, and meet the requirements of § 61.51(f)(2).”

The petitioner states that granting this exemption would actively improve the level of safety because it is commonly agreed that a properly trained and qualified SIC enhances safety in the cockpit by (1) providing a second set of eyes, (2) allowing for better implementation of crew resource management (CRM), (3) encouraging the use of standardized procedures, and (4) helping distribute flying tasks during periods of high workload.

Ameriflight further states that a grant of exemption would be in the public interest because:

- The inherent improvement in safety is clearly in the public interest;
- SICs assigned to these operations would gain real-world line flying experience under supervision of a qualified captain – an important element in a smooth upgrade to pilot in command (PIC) status at a subsequent date;
- Future airline pilots currently below the § 135.243(c) threshold for PIC would have an opportunity to gain experience far more useful to their careers than other time builders currently available, such as flight instruction, pipeline patrol, traffic watch, etc.

A summary of the petition was published in the Federal Register on January 9, 2008 (73 FR 1666). The FAA received five comments in support of a grant of exemption.

The FAA's analysis is as follows:

The FAA has considered fully the petitioner's supporting information and finds that the proposed exemption would provide a level of safety equivalent to that provided by the regulations. Furthermore, the FAA finds that the proposed exemption would be in the public interest.

In the past, the FAA has consistently denied exemptions that would allow airmen to log SIC flight time in aircraft that do not require an SIC by either the aircraft type certificate or otherwise required by an operating rule. The FAA continues to support this position in order to maintain the integrity of the higher level airmen certification and rating requirements. However, because this exemption is confined to operations conducted solely within part 135, it cannot be used to gain an additional airmen certificate or rating, and such flight time is only being used to gain experience that would allow an SIC to upgrade to a PIC crew position solely within part 135 operations. The FAA finds that such experience has value in part 135 operations.

The FAA finds that the proposed exemption may provide an enhanced level of safety in the petitioner's operation. In addition, the FAA agrees that the experience gained by the SIC crewmember, while operating under the conditions and limitations set forth in this exemption, is inherently more useful when applied to operations conducted under part 135. It should be noted that the petitioner already has an approved SIC training program, in addition to the following operations specification authorizations that, at times, requires the use of two-pilot crews in aircraft that would normally only require the use of a single pilot as dictated by the aircraft type certification:

- Operations Specification C079, IFR Takeoff Minimums in Weather Conditions Below Category I- 14 CFR Part 135 Airplane Operations
- Operations Specification A055, Carriage of Hazardous Materials (HazMat)
- Operations Specification A033, Title 14 CFR Section 135.265 Flight and Rest Time Requirements for Certain Part 135 Operations

An air carrier who conducts part 135 operations with an aircraft that does not require an SIC by type certificate, and at times due to operating rules requires the use of an SIC, cannot always predict or control when a two-pilot crew (PIC & SIC) will be required to comply with specific operating limitations. This may potentially result in loss of continuity and training opportunities for required two-pilot crew operations. When properly trained, a two-pilot crew that exercises proper CRM will increase the overall level of safety of the operation.

To help ensure qualified and competent two-pilot crew capabilities are available when needed, Ameriflight, when using aircraft type-certificated for one pilot, will be permitted to assign a properly trained and qualified SIC, at its discretion, to a particular flight. In addition, provided the applicable part 91 and part 135 operating rules are complied with, the assigned SIC may log the flight time as SIC, provided the assigned SIC has met the conditions and limitations prescribed herein.

Nothing in this exemption should be construed as requiring an SIC at times other than as specified in applicable regulations. Additional guidance related to SIC qualification and SIC pilot training programs can be found in applicable sections of FAA Order 8900.1.

The FAA's Decision

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, Ameriflight, LLC is granted an exemption from 14 CFR § 61.51(f)(2) to the extent necessary to allow Ameriflight to assign an SIC during a flight that otherwise does not require an SIC and to also allow the SIC to log that flight time, subject to the conditions and limitations listed below.

Conditions and Limitations

1. Any flight time logged as SIC flight time under this exemption may not be used to otherwise gain an additional rating or certificate as prescribed in part 61, to include an airline transport pilot (ATP) certificate.
2. SIC pilots assigned to a flight under this exemption may only log SIC flight time, even if such pilot is operating the aircraft as the sole manipulator of the flight controls (i.e., the assigned SIC may not log PIC flight time while exercising the privileges outlined in this exemption).
3. SIC flight time gained under this exemption may only be used for the purposes of upgrading from an SIC to PIC in part 135 operations.
4. Any SIC flight time gained under this exemption must be documented in the pilot's logbook as SIC flight time gained under this exemption.
5. The SIC must hold a commercial pilot certificate with appropriate category, class, and instrument rating, if applicable, as set forth in § 135.245(a) or (b).
6. The SIC must meet the minimum regulatory flight hour requirement for the type of operation to be conducted.
7. The PIC and SIC assigned to the flight must meet the 75-hour crew pairing requirements as set forth in § 135.4 for any flights conducted under the eligible on-demand regulations.
8. The SIC must have completed the certificate holder's approved SIC training program, to include, 3 hours of CRM training. One hour of the required CRM training can be accomplished in conjunction with other approved flight training curricula.
9. The SIC ground and flight duties must be outlined in the certificate holder's general operations manual and applicable aircraft standard operating procedures manuals.
10. The SIC has completed any other part 135 pilot training required for two-pilot crews necessary to conduct operations consistent with the certificate holder's operations specifications.
11. The air carrier will maintain, at the principal base of operations (or location agreed to by the POI), a current list of SICs conducting flights under the provisions of this exemption.

12. Once the SIC has transitioned to an aircraft requiring two pilots by type certificate, upgraded to PIC, or is no longer employed with the air carrier, he or she may be removed from the air carrier's SIC exemption list.

This exemption terminates on October 31, 2010, unless sooner superseded or rescinded.

Issued in Washington, DC, on October 3, 2008.

/s/

John M. Allen

Acting Director, Flight Standards Service

